

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES MAYO,

No. C-08-0058 MMC

Plaintiff,

ORDER REMANDING ACTION

v.

A.O. SMITH CORPORATION, et al.,

Defendants

On November 21, 2007, plaintiff filed the instant case in state court, alleging therein claims arising under state law. On January 4, 2008, defendant Foster Wheeler LLC ("Foster Wheeler") removed the complaint, alleging the district court has jurisdiction under 28 U.S.C. § 1446(b) "because Foster Wheeler was acting under an officer or agency of the United States." (See Notice of Removal ¶ 25.) Thereafter, on January 22, 2008, plaintiff filed a stipulation in which plaintiff and Foster Wheeler state they "stipulate to immediately remand this case to the Superior Court of California," and request the Court remand the matter. (See Worsey Decl. Ex. A.)


Because the only removing defendant, Foster Wheeler, no longer seeks to pursue its allegation that the Court has jurisdiction over the instant matter, and there being no

1 basis from the face of the complaint to suggest a district court otherwise would have
2 subject matter jurisdiction over any claim alleged therein, the Court hereby GRANTS
3 plaintiff's motion to remand and REMANDS the matter to the Superior Court of California, in
4 and for the County of Alameda.

5 Plaintiff is hereby DIRECTED to serve a copy of this order on all defendants that
6 have appeared herein.¹

7 **IT IS SO ORDERED.**

8
9 Dated: January 25, 2008


MAXINE M. CHESNEY
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹Other than Foster Wheeler, which removed the case, and General Dynamics Corporation, which filed an answer after the matter was removed, no defendant has been placed on the district court's service list.